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FM AMEMBASSY KHARTOUM
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1485
INFO RUCNFUR/DARFUR COLLECTIVE PRIORITY
RUEHGG/UN SECURITY COUNCIL COLLECTIVE PRIORITY

C O N F I D E N T I A L KHARTOUM 001157

SIPDIS

FOR AF/SPG, AF/C

E.O. 12958: DECL: 08/02/2018
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [UN](#) [AU](#) [SU](#)
SUBJECT: EU SPECIAL ENVOY SEES OPPORTUNITY IN KHARTOUM'S
NEWFOUND FLEXIBILITY

REF: A. KHARTOUM 1140
[1](#)B. KHARTOUM 1117

Classified By: CDA Alberto M. Fernandez for reasons 1.4 (b) and (d).

[1](#)1. (C) The European Union's Special Envoy for Sudan, Torben Brylle, sees both opportunity and peril in what he described as "Khartoum's new flexibility" in the wake of an announcement by ICC Prosecutor Ocampo about indicting President Al-Bashir for war crimes. In a meeting with Charge Fernandez on August 2, Brylle, who had met FM Alor in Europe and who would be meeting NCP officials August 3-5, said that the international community "needs to be on the same page" on what sort of progress is needed in Darfur, on not forgetting to highlight the North-South Comprehensive Peace Agreement (CPA) at every turn, and on navigating the tricking compromise of encouraging regime flexibility and urgent action on Darfur while not giving the false impression that there is a nakedly obvious quid pro quo on the table, "you do something nice on Darfur and we all forget about the ICC."

[1](#)2. (C) Brylle noted that, since the July 14 ICC announcement, the NCP has dropped many past objections and obstacles it had held onto in the past on Darfur peace talks and UNAMID deployment. They are dangling the Thai/Nepalese deployment issue before the international community. They have dropped objections about opposition political parties being involved in Darfur, about the SPLM's interaction with rebel movements, and about the involvement of Darfuri civil society in peace talks. The two parties (SPLM and NCP) are also close to announcing an interim administration on Abyei, which could happen as soon as August 6.

[1](#)3. (C) While these steps should be welcomed, they fall far short of a comprehensive effort to solve Darfur. The international community, as he described it, is divided from Arab League, AU and other states (such as China) which feel Sudan "has already done enough" to Western countries, some of which care more about the ICC than about a real solution on Darfur. "Although we can't offer them a straightforward deal on the ICC, they do need to be encouraged to take concrete steps on Darfur within the next few months, and the international community will then look at 'the big picture' on Sudan."

[1](#)4. (C) Brylle said that the clear majority of the NCP leadership seems to be for negotiation, "even for engaging the ICC, if balking at handing anyone over." While hardliners like Presidential Advisor Dr. Nafie, Minister of Defense Hussein, and Presidential Affairs Minister Bakri Salih were in evidence, many others saw that there was no substitute for engagement with the international community. Even some of the security apparatus such as NISS Director General Salah Ghosh, Minister of State Ali Karti, and others, recognized that you can't ignore an international court and "you can't continue making empty promises on Darfur". Some of those involved now on ICC issues and pushing for engagement, according to his

information, were Presidential Advisors Mustafa Othman Ismail and Ghazi Salahudin, Minister of Justice Sabdarat, and Science and Technology Minister, Ibrahim Ahmed Omer (who is a hardliner and close to Al-Bashir).

15. (C) In addition to - as much as possible - speaking with one voice, the West is going to have to decide "what is good enough for us?" It is quite possible that the regime will present a very attractive package on Darfur, to include speeding up UNAMID deployment and concessions to local people that will be rejected by the rebels. Brylle had met with Ahmed Diraige and with JEM in London and they seem to be becoming more rather than less intransigent. "Are we ready to say yes to Khartoum, if they do what we want on these things, even if they don't go as far as the French would like on the ICC, and if the rebels are demonstrated as being the real obstructionists?" Alor had met with Chadian President in Paris and urged that Deby rein in JEM but supposedly the Chadian President had been non-committal.

16. (C) CDA Fernandez briefed Brylle on the latest developments on Abyei (reftel a), which had occurred after Brylle's last meeting with Deng Alor. He encouraged the EU to be pro-active in providing early support for the interim administration, if indeed it is announced this week, rather than going to glacially slow procedures such as the UN and a multi-donor trust fund. Brylle agreed to try to do this and the issue will be pursued on the margins of the August 5 AEC plenary as part of an informal "friends of Abyei" meeting.

FERNANDEZ